

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ALEXIS NIEBLA,)
JUANA TAPIA-BORGAS,)
)
Defendants.)

8:08CR264
**PRELIMINARY ORDER
OF FORFEITURE**

NOW ON THIS 20th day of November, 2008, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant, Alexis Niebla, has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts I and V of said Superceding Indictment. Count I of said Superceding Indictment charges the Defendant with conspiracy to distribute methamphetamine, a violation of 21 U.S.C. § 846. Count V of said Indictment charges the Defendant with using \$4,764.00 in United States currency and a 2007 Jeep Grand Cherokee, VIN 1J8HR48P87C697498, to facilitate the commission of the conspiracy and charges said personal properties are derived from proceeds obtained directly or indirectly as a result of the commission of the conspiracy. The Defendant, Juana Tapia-Borgas, has entered into a Stipulation whereby she agreed to have no right, title, claim or interest to and in the \$4,764.00 in United States currency and a 2007 Jeep Grand Cherokee, VIN 1J8HR48P87C697498.

2. By virtue of said plea of guilty and said stipulation, the Defendants forfeit their interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C., § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Count V of the Superceding Indictment, Alexis Niebla's plea of guilty and Juana Tapia-Borgas' stipulation, the United States is hereby authorized to seize the \$4,764.00 in United States currency and a 2007 Jeep Grand Cherokee, VIN 1J8HR48P87C697498.

C. The Defendants' interest in said properties are hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish for at least 30 consecutive days on an official government internet site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendants, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

ORDERED this 20th day of November, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON, CHIEF JUDGE
United States District Court